

## **Sec. 59-87. Accessory uses allowed.**

(a) *General.* Any use, which complies with the conditions listed in this section, may be operated as an accessory use to a use by right, a use exception, a conditional use or a use by special review, unless specifically prohibited by this subsection. In this subsection the term "use by right" also includes these three (3) other types of uses. Some zone districts allow certain specific accessory uses as listed below. Accessory uses need not be enclosed, unless specifically stated herein.

(b) *Residential and business zone districts.*

(1) *Generally applicable conditions.* All accessory uses, except accessory dwelling units, must comply with all the following general conditions. Accessory dwelling units, where permitted by 59-87(c) (accessory uses allowed in the mixed use zone districts), must comply with the specific conditions stated in section 59-87(c) instead of these general conditions.

a. Such use shall be clearly incidental and customary to and commonly associated with the operation of the use by right;

b. Such use shall be operated and maintained under the same ownership and on the same zone lot as the use by right; provided however, that in all business districts and for those accessory uses allowed by zoning permit by subsection 59-87(b)(2)a., lessees or concessionaires may operate the use; and provided further that in non-residential structures owned and operated by a church in a residential district non-profit lessees or concessionaires may operate the use;

(Ord. No. 393-06, § 1, eff. 6-23-06; Ord. No. 151-08, § 1, eff. 3-28-08)

c. Such use shall not include structures or structural features inconsistent with the use by right;

d. Such use shall not include residential occupancy in a detached structure except by domestic employees employed on the premises and the immediate families of such employees;

e. The area of specific accessory uses shall be calculated as follows (Refer to Figure A):

1. Pool tables. The area occupied shall be calculated by adding three (3) feet to each dimension of such pool table to include the area of play.

2. Pinball, video games and other similar amusement devices. The area occupied shall be calculated by adding three (3) feet to the area directly in front of the device.

3. Dance floors. The area shall be the sum total of all of the areas of the dance floor and any stage or area used for the playing or performance of recorded or live music.

GRAPHIC LINK: [Calculation of Floor Areas of Specific Accessory Uses](#)

f. Limitations in detached structures. If operated partially or entirely in detached structures, the gross floor area of such detached structures shall not exceed ten (10) percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached garages or detached carports used exclusively by occupants of structures containing the use by right or by persons employed in such structure;

g. Limitations in the principal structure. If operated partially or entirely within the structure containing the use by right, the gross floor area utilized by the accessory use (except garages and dining rooms for the exclusive use of occupants or persons employed in the structure) shall not be greater than:

1. Twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet, of a single unit dwelling or any dwelling unit in a multiple unit dwelling containing eight (8) or less dwelling units;
2. Ten (10) percent of the gross floor area occupied by a use by right other than a single unit dwelling or a multiple unit dwelling containing eight (8) or less dwelling units;

(2) *Accessory uses allowed by zoning permit.* Subject to the conditions listed in subsection 59-87(b)(1) above, one (1) or more accessory uses may be operated in the zone districts listed below.

a. Accessory uses permitted in the R-2-A, R-3, R-4, R-4-X and B-A-1 zone districts, as shown in the table below, provided that such uses:

1. Are provided principally for the convenience of the owner or owners of the zone lot and the tenants thereof;
2. Do not have signs of any type;
3. Do not have separate outside entrances to the accessory use facing any street;
4. Are not evident from any street; and
5. Are incidental to the use by right.

TABLE INSET:

Accessory uses allowed	R-2-A zone multiple unit dwelling having 300 or more dwelling units	R-3 zone multiple unit dwelling having 50,000 sq. ft. or more gross floor area	R-4 and R-4-X zones multiple unit dwelling and/or office having 50,000 sq. ft. or more gross floor area	B-A-1 zone multiple unit dwelling and/or office having 50,000 sq. ft. or more gross floor area
Banking and financial services	X	X	X	X
Retail, service repair, consumer-- small-scale	X	X	X	X
Consumer service, small- scale	X	X	X	X
Eating place, no live entertainment	X	X	X	X
Office: nondental or nonmedical			X	X
Printing			X	X

services,  
publishing,  
business  
support

(Ord. No. 151-08, § 2, eff. 3-28-08)

b. Specific accessory uses permitted in the B-A-2, B-3 and R-5 zone districts.

The following accessory uses are permitted provided that such uses are incidental to the listed use by right and comply with the conditions listed after the specific accessory use.

TABLE INSET:

Zone district	Use by right	Accessory Use	Conditions
B-A-2	Hotel or motel	Automobile gasoline filling station	Does not utilize more than thirty thousand (30,000) square feet of zone lot area; does not include rental of any type, repairing, painting, storage, dismantling or tire recapping on the premises; parks no vehicles being serviced on streets, alleys, public sidewalks or public park strips; is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles; is lighted by fixtures so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic; and fuel pumps need not be enclosed.
B-A-2	Hotel or motel	Car wash bay	Permitted as a part of an automobile gasoline filling station, as allowed above. Notification shall be given to registered neighborhood organizations whose boundaries encompass the property and to all adjoining property owners. Such notification shall include a copy of the site plan and shall give directions for submitting written comments. In deciding to approve or disapprove the application, the zoning administrator shall consider the written comments of all interested parties. In approving an application the zoning administrator may attach conditions in order to protect adjoining properties and must find that the proposed use will not adversely affect the appropriate use of adjoining properties. Such use shall be limited in capacity to one (1) vehicle and may be operated with either manual or automatic equipment. Adequate

			landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a residential zone. Sufficient space on the same zone lot shall be provided to accommodate three (3) waiting vehicles in addition to the required off-street parking. A site plan showing all improvements on the zone lot shall be submitted to the planning office for review. The hours of operation shall be limited to the period between 7:00 a.m. and 10:00 p.m.
B-A-2	Hotel or motel	Grocery store or delicatessen	Limited to one thousand two hundred (1,200) square feet of gross floor area; and is a part of an automobile gasoline filling station, as provided above.
B-3	A department store having twenty thousand (20,000) or more square feet of gross floor area or an automobile sales room.	Automobile rental service	Storage of all rental automobiles shall be located on the same zone lot as the office for the automobile rental service; not more than fifteen (15) rental automobiles shall be stored at any one (1) location; servicing and maintenance work on automobiles is permitted only as limited to automobile service stations in the district; the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space; and truck rental is not permitted.
R-5	Public libraries, administrative offices for religious or charitable organizations, and/or seminaries	Book or gift store; media recording and production facilities	Accessory uses do not occupy more than ten (10) percent of the gross floor area occupied by the use or uses by right.

c. Specific accessory uses allowed for residential uses located in the RS-4, R-0, R-1, R-2, R-2-A, R-2-B, R-3, R-3-X, R-4, R-4-X, R-MU-20, R-MU-30, MS-1, MS-2, MS-3 or R-X zone districts.

(Ord. No. 660-05, § 4, eff. 9-16-05)

1. Kennel or exercise run. Outdoor kennels and exercise runs shall be allowed accessory to a dwelling unit, subject to the following:

- i. The use shall not exceed two hundred (200) square feet in area;
- ii. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent zone lot;
- iii. The use shall be visually screened from adjacent residential property;

and

iv. The number of animals allowed on-site shall comply with the limit on the number and kinds of animals stated in the chart below.

2. Number and kinds of animals accessory to dwelling units. See the following chart.

TABLE INSET:

<i>Kind of Animal</i>	<i>Permitted number</i>
Dogs	3
Cats	5
Combination of dogs and cats	No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total.
Rabbits	2
Pigeons or doves	25
Horses	No more than 1 horse for each 1/2 acre of zone lot area
Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals	No numerical limit, however, the raising or breeding of these animals for resale is prohibited
Fish	No numerical limit, however, the raising or breeding of these animals for resale is prohibited
Small reptiles and amphibians. The types of these animals is regulated by chapter 8 of the Revised Municipal Code	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Domestic honey bees	2 hives per zone lot; hives must be in rear 1/3 of zone lot with a five-foot setback from side and rear zone lot lines; the hives must be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property; no outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive.

(Ord. No. 621-08, § 1, eff. 11-21-08)

3. Yard and or garage sales. Yard and/or garage sales shall be allowed subject to the following limitations:

- i. Shall not exceed seventy-two (72) hours of total duration;
- ii. Shall not have more than one (1) such sale in the period from January 1st to June 30th and no more than one (1) such sale in the period from July 1st to December 31st;
- iii. Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale; and
- iv. All external evidence of the sale shall be removed immediately upon

the conclusion of the sale.

4. Number of vehicles, excluding motorcycles, accessory to a dwelling unit. On any zone lot occupied by a dwelling unit, on any public right of way bordering or within the block on which the dwelling unit is located and on any public right of way bordering or within all adjoining blocks (see figure 2), there shall be, in total, parked and/or stored no more than one (1) vehicle per licensed driver residing in the dwelling unit plus one (1) additional vehicle per dwelling unit; (Ord. No. 625-05, § 4, eff. 9-2-05)

5. Off-street parking of vehicles in garages on zone lots by non-residents of the zone lot. Vehicles may be parked/stored in garages on zone lots not occupied by the owner of such vehicle if:

- i. The subject garage is located on a zone lot in the same block as the zone lot on which the said vehicle owner resides; or
- ii. The subject garage is located on a zone lot in a block that is immediately adjacent to the block that contains the zone lot on which the said vehicle owner resides. (see figure 2)

However, this provision does not permit the use of garages by non-resident owners of the zone lot containing the subject garage to use such garage for storage, nor does this provision allow the use of the subject garage used for the repair of vehicles either by the non-resident owner of the said zone lot containing the subject garage, or the non-resident owner of the said vehicle.

GRAPHIC LINK:[Figure 2](#)

6. Number of trailers permitted on a zone lot containing a single unit dwelling. Trailers shall be limited by the following:

- i. Permitted number--Two (2);
- ii. Shall not exceed twenty-two (22) feet in length; and
- iii. Each trailer must be designed to have and be used for a substantially different purpose.

7. Number of motorcycles accessory to a dwelling unit. On any zone lot occupied by a dwelling unit, there shall be parked and/or stored no more than one (1) motorcycle per driver licensed to operate a motorcycle residing in such dwelling unit. Such motorcycles shall be in addition to the total number of vehicles allowed in 59-87(b)(2)c.4., above.

d. [Repealed by Ord. No. 836-06, § 2, eff. Dec. 26, 2006.]  
(Ord. No. 206-05, § 1, eff. 4-8-05)

(c) Accessory uses allowed in the R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, OS-1, O-1, O-2, I-0, I-1, and I-2 zone districts:

(1) General conditions. Unless specifically excepted, all accessory uses must comply with the following general conditions:

- a. Such use is clearly incidental and customary to and commonly associated with the operation of the use by right or use by special review;
- b. Such use is operated and maintained under the same ownership and on the same zone lot as the use by right or use by special review. Accessory uses may only be operated by

the residents or occupants of the zone lot containing the use by right or use by special review;

c. Such use does not include structures or structural features inconsistent with the use by right or use by special review;

d. Except for accessory dwelling uses allowed by subsection 59-87(c)(1)h, such use does not include residential occupancy except by persons employed on the premises and the immediate families of such employees.

e. Except for accessory dwelling uses allowed by subsection 59-87(c)(1)h, if the accessory use is operated partially or entirely in detached structures, such detached structures shall be limited to a gross floor area of not more than ten (10) percent of the area of the zone lot on which the use by right or use by special review is located;

f. In industrial zone districts accessory uses operated partially or entirely within the structure containing the use by right or use by special review, the gross floor area within such structure utilized by accessory uses (except garages, loading docks, and company dining rooms) shall not be greater than twenty (20) percent of the gross floor area of the structure containing the use by right or use by special review;

g. Other permitted accessory uses in the industrial zones. Notwithstanding the conditions stated above, any recreational use for the benefit of employees and/or customers may be operated on the zone lot;

h. In the R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30 districts, an attached or detached accessory dwelling unit shall be permitted as an accessory use to any single-unit dwelling in accordance with the following requirements. In case of conflict between the specific requirements for accessory dwelling units stated below and the conditions stated in section 59-87 or section 59-88 that are applicable to accessory uses or structures generally, the more specific requirements in this subsection shall apply to the accessory dwelling unit.

1. Limits on occupancy. In order to avoid overcrowding of the accessory dwelling unit, the accessory dwelling unit must contain a minimum of two hundred (200) square feet of gross floor area per occupant.

2. Building requirements: All attached or detached accessory dwelling units shall comply with all building, plumbing, electrical, fire, health, housing, and other applicable codes.

3. Structural and locational requirements. All attached or detached accessory dwelling units shall meet the following requirements:

i. No more than one (1) attached or detached accessory dwelling unit shall be located on a zone lot or an individual building parcel in a planned building group;

ii. The single unit dwelling shall not be altered in any way so as to appear from a public street to be a multiple-unit dwelling.

iii. The accessory dwelling unit shall not be served by a driveway separate from that serving the single-unit dwelling;

iv. The accessory dwelling unit shall not exceed the following limits:

Maximum gross floor area of accessory dwelling units  
TABLE INSET:

Gross Floor Area of Principal Single-Unit Dwelling Unit	Maximum Gross Floor Area of the Accessory Dwelling Unit
<1,200 square feet	400 square feet
1,201 to 1600 square feet	450 square feet
1,601 to 2,000 square feet	500 square feet
>2,000 square feet	25 percent of area of use by right or use by special review single-unit dwelling up to a maximum of 1,000 square feet

v. Regardless of the maximum gross floor areas shown in the table above, if a detached accessory dwelling unit is constructed above a detached accessory garage structure, the floor plate of the accessory dwelling unit shall be no larger than the ground floor footprint of the accessory garage structure.

vi. The accessory dwelling unit, shall not cover more than thirty (30) percent of the rear one-half ( 1/2) of the zone lot or the individual building parcel in a planned building group;

vii. The accessory dwelling unit, shall conform to all the setback and bulk plane limitations of the zone district in which it is located and shall be no taller than the use by right, use by special review or single-unit dwelling. Building height shall be measured according to section 59-2(52) (building height measurement);

viii. The accessory dwelling unit, may be accessed by a separate outside stairway located in conformance with all building and zoning requirements;

ix. Roof and exterior wall materials and finishes for the accessory dwelling unit shall be comparable in composition and appearance to that of the use by right, use by special review or single-unit dwelling on the zone lot.

x. Wherever feasible, water and sewer shall be supplied to both the use by right, use by special review or single-unit dwelling and the attached or detached accessory dwelling units through single taps, and electric and/or gas utilities shall be supplied through a single meter.

(d) Accessory uses specifically prohibited.

(1) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer in residential zone districts;

(2) The parking/storage of: tow trucks; any vehicle with a manufacturer's rating exceeding one (1) ton; stake body trucks; cube or box vans; backhoes; vehicles towing trailers carrying machinery and supplies; or other similar specialized vehicles in residential zones. Such vehicles may be parked in the residential zone only to render services to a zone lot and only for the duration necessary to render such services.



(Ord. No. 621-08, § 2, eff. 11-21-08)

(e) Accessory uses specifically allowed for churches and religious institutions. Occasional sales of goods and services for religious or non-profit organizations shall be an allowed accessory use to churches and religious institutions in all zone districts. Need not be enclosed.

(Ord. No. 623-08, § 1, eff. 11-21-08)

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 244-07, §§ 2--4, eff. 6-8-07)

## **Sec. 59-88. Accessory structures allowed.**

(a) *Generally.* The following accessory structures which comply with the provisions of this subsection and the permitted structure provisions of the particular zone district in which said accessory structure is located, may be designed, erected, used, or occupied by permitted accessory uses.

(b) *Types of permitted accessory structures.*

- (1) Garages used exclusively for the parking of non-commercial vehicles, other wheeled vehicles designed to be drawn by passenger vehicles, normal household goods and other similar objects. Where specifically allowed by section 59-87(c)(1)h, an accessory dwelling unit may be housed in an accessory garage structure provided compliance with all off-street parking requirements and the standards applicable to accessory dwelling units in section 59-87 and this section. (See figure no. 1 below.)
- (2) Carports and off-street parking areas;
- (3) Storage shed buildings, playhouses, patios, cabanas, pool houses, porches, decks, and gazebos;
- (4) Fences, walls and retaining walls;
- (5) Gates and guard houses;
- (6) Storm and fallout shelters;
- (7) Radio and television receiving antennas and support structures, including satellite dishes less than thirty-two (32) inches in diameter, and one (1) amateur radio sending and receiving antenna and support structures provided for same;
- (8) Swimming pools and other recreational and play facilities for the use of residents;
- (9) Solar and photo-voltaic energy systems;
- (10) Barbeques, outside fireplaces, eating areas.

**(c) *Detached accessory structures accessory to a single unit dwelling located in any residential zone district.***

(1) *Height.*

- a. Except when the detached accessory structure includes a permitted accessory dwelling unit, the detached accessory structure shall be limited to a single story and shall not exceed fifteen (15) feet in height;
- b. When a detached accessory structure includes space for parking of noncommercial vehicles and also includes an accessory dwelling unit, the detached accessory structure is limited to two (2) stories and shall not exceed the height specified in section 59-87(c) for accessory dwelling units.

(2) *Size.*

- a. Single-story, detached accessory structures shall not exceed one thousand (1,000)

square feet in area and no one horizontal dimension may exceed thirty-six (36) feet in length.

b. Two-story detached accessory structures containing a permitted accessory dwelling unit shall not exceed one thousand (1,000) square feet in ground floor area, and no one horizontal dimension may exceed thirty-six (36) feet in length. See section 59-87(c)(1) for limits on maximum gross floor area of accessory dwelling units.

GRAPHIC LINK:[Figure 1](#)

(3) *Permitted number*. Shall be limited to no more than one detached accessory structure with vehicle access doors and any number of other detached accessory structures located on the zone lot; and

(4) *Materials*. Shall be constructed of materials that are compatible with the use by right and shall not be constructed from salvage doors, corrugated or sheet metal, non-durable materials or other materials as designated by the zoning administrator.

(d) *Attached accessory structures accessory to a single unit dwelling located in any residential zone district.*

(1) *Height*. Shall conform to the same requirements as the use by right;

(2) *Size*. Shall not exceed one thousand (1,000) square feet in area and no one horizontal dimension may exceed thirty-six (36) feet in length.

(3) *Permitted number*. Shall be limited to no more than one detached accessory structure with vehicle access doors and any number of other detached accessory structures located on the zone lot; and

(4) *Materials*. Shall be constructed of materials that are compatible with the use by right and shall not be constructed from salvage doors, corrugated or sheet metal, non-durable materials or other materials as designated by the zoning administrator.

(e) *Access and contiguity*. Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure. (see figure 2 below)

GRAPHIC LINK:[Figure 2](#)

(f) *Vehicular access*. There shall be no more than three (3) doors on the zone lot that face a named or numbered street and are designed or used for vehicular access, nor shall the total width of all vehicle access doors on the zone lot that face a named or numbered street exceed a total cumulative width of twenty-eight (28) feet. (See figure 3 below.) For the purposes of this subsection 59-88(f), whether a garage door faces a name or numbered street shall be determined by extending a line the width of the garage door and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary then said garage door faces a named or numbered street (see figure 4 below).

GRAPHIC LINK:[Figure 3](#)

GRAPHIC LINK:[Figure 4](#)

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 244-07, § 5, eff. 6-8-07)

